



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

MINUTES
State Fire Safety Board Meeting
Thursday, June 11, 2020
1:00 p.m.

Zoom Meeting:

Link: <https://zoom.us/j/98218922865?pwd=akRFK0J2K3RuSXp5ZWWhPY3VUaFhYZz09>

Password: 8MAKbb

Phone: 636-651-0008 or 877-336-1839 (US Toll Free)

Conference Code: 629222

MEMBERS PRESENT:

Julie Bulson, Representing Hospital Administrators
Steven Densmore, Representing Fire Departments in the Lower Peninsula
Lindsey Haley, Representing Owners of Adult Foster Care Facilities (present until 2:20 p.m.)
Kenneth Herbart, Chair, Representing Registered Architects
Mark Jensen, Representing the Liquefied Petroleum and Flammable Compressed Gas Industry
Paul Korte, Representing the Nursing Home Industry
Andrew Marceau, Representing Fire Departments in the Lower Peninsula
Jeramie Morris, Representing the Chemical Manufacturing Industry
Patrick Phelan, Representing the Professional Engineers
Dylan Rogers, Representing Places of Public Assemblage
Ron Sabin, Vice Chairperson, Representing Fire Departments in the Lower Peninsula
Kevin Sehlmeier, State Fire Marshal/Director, Ex-Officio Member
Robert Williams, Representing the Building Trades

MEMBERS ABSENT:

Jeffery Green, Representing Fire Departments in the Upper Peninsula
Tina Kerr, Representing School Board Administrators/Members
Kenneth Letts, Representing the Flammable Liquids Industry
Michael Powers, Representing the Licensed Electrical Contractors

OTHER BUREAU ATTENDEES:

Hollie Metts, LARA/BFS, Executive Secretary
Laurie Nevin, LARA/BFS, Secretary
Tom Cochran, LARA/BFS, Manager

OTHERS IN ATTENDANCE:

Anthony Greene, Macomb Community College
Martin Juarez, Concordia University

Robert Heighes, Eastern Michigan University
Kathryn Wilhoff, Eastern Michigan University

I. CALL TO ORDER AND DETERMINATION OF QUORUM:

The State Fire Safety Board meeting was called to order at 1:08 p.m. Chairman Kenneth Herbart lead all attendees in reciting the Pledge of Allegiance and read a virtual meeting introduction advising of the procedures for the meeting, public comment, and the steps that would be taken if the meeting were disconnected. Roll call was taken by executive secretary, Hollie Metts, and a quorum was determined present.

II. REVIEW AND APPROVAL OF THE AGENDA:

20-06-01

A **MOTION** was made by **Board Member Marceau** and seconded by **Board Member Sabin** to approve the meeting agenda for June 11, 2020, as presented. A roll call vote was taken:

Board Member Bulson – Support
Board Member Densmore – Support
Board Member Green – Absent
Board Member Haley – Support
Chairman Herbart – Support
Board Member Jensen – Support
Board Member Kerr – Absent
Board Member Korte – Support
Board Member Letts - Absent
Board Member Marceau – Support
Board Member Morris – Support
Board Member Phelan – Support
Board Member Powers – Absent
Board Member Rogers – Absent (call dropped)
Board Member Sabin – Support
Fire Marshal Sehlmeier - Support
Board Member Williams – Support

Total Votes: Support 12, Opposed 0, Abstain 0, Absent 5. **MOTION CARRIED.**

III. POSTSECONDARY APPEAL HEARINGS:

The following postsecondary appeal hearings were held at this time during the regular meeting due to scheduling conflicts. Each hearing followed a formal script and was conducted in accordance with the Administrative Procedures Act of 1969, as amended. All parties were given the opportunity to speak and cross-examination was permitted. Exhibits were identified and entered into the record. For each of the hearings, Chairman Herbart was the presiding official and Board Members Marceau, Bulson, and Korte served as the hearing body. Chairman Herbart advised the entire board would discuss the appeals and make their decisions later in the meeting, and that the decision letters would be sent to the via certified mail.

- a) **Postsecondary Institution:** Concordia University
Appeal Number: 2020-01
Called to Order: 1:22 p.m.
Appellant: Martin Juarez
Representing the BFS: Laurie Nevin
Issue: Should the State Fire Safety Board affirm the violation and/or fine issued by the Bureau of Fire Services for violations of the Fire Prevention Code, PA 207 of 1941, Section 29.19a for conducting drills, conducting training, or submitting required reports. Specifically, not conducting drills between sunset and sunrise.
Adjourned: 1:39 p.m.
- b) **Postsecondary Institution:** Eastern Michigan University
Appeal Number: 2020-02
Called to Order: 1:40 p.m.
Appellant: Robert Heighes
Representing the BFS: Laurie Nevin
Issue: Should the State Fire Safety Board affirm the violation and/or fine issued by the Bureau of Fire Services for violations of the Fire Prevention Code, PA 207 of 1941, Section 29.19a for conducting drills, conducting training, or submitting required reports. Specifically, sunset/sunrise drills were not recorded properly on the report.
Adjourned: 2:00 p.m.
- c) **Postsecondary Institution:** Macomb Community College
Appeal Number: 2020-03
Called to Order: 2:01 p.m.
Appellant: Anthony Greene
Representing the BFS: Laurie Nevin
Issue: Should the State Fire Safety Board affirm the violation and/or fine issued by the Bureau of Fire Services for violations of the Fire Prevention Code, PA 207 of 1941, Section 29.19a for conducting drills, conducting training, or submitting required reports. Specifically, a report was not submitted by the required deadline.
Adjourned: 2:14 p.m.

IV. REVIEW AND APPROVAL OF MINUTES:

20-06-02

A **MOTION** was made by **Board Member Marceau** and seconded by **Board Member Morris** to approve the minutes from the December 5, 2019 meeting, as presented. A roll call vote was taken:

Board Member Bulson – Support
Board Member Densmore – Support
Board Member Green – Absent
Board Member Haley – Abstain
Chairman Herbart – Support
Board Member Jensen – Support
Board Member Kerr – Absent
Board Member Korte – Support

Board Member Letts - Absent
Board Member Marceau – Support
Board Member Morris – Support
Board Member Phelan – Support
Board Member Powers – Absent
Board Member Rogers – Support
Board Member Sabin – Support
Fire Marshal Sehlmeier - Support
Board Member Williams – Support

Total Votes: Support 12, Opposed 0, Abstain 1, Absent 4. **MOTION CARRIED.**

V. PUBLIC COMMENT:

None.

VI. STATE FIRE MARSHAL'S REPORT:

a. Bureau Updates:

- i. The Bureau of Fire Services' (BFS) move to the Ottawa Building (located at 611 Ottawa Street, Lansing, Michigan) has been delayed due to the Coronavirus (COVID-19) pandemic.
- ii. All bureau staff are currently teleworking and have a reduced work schedule with temporary layoff days on either Friday or Monday. The temporary layoff days will continue through July 25, 2020.
- iii. In early March, BFS fire safety inspectors adjusted their work schedules to ensure 24/7 coverage and inspected alternate care sites in preparation of the COVID-19 surge. They also patrolled public assemblies during the lockdown and performed wellness checks at hospitals. Note: The BFS has not performed inspections with COVID-positive patients. Board Member Julie Bulson thanked Fire Marshal Sehlmeier for his leadership and thinking outside of the box during the pandemic.
- iv. A return to work task force has been created within the Department of Licensing and Regulatory Affairs and is working with the Office of the State Employer on a plan on how to bring employees back to the office.

b. Public Act 45 of 2020 (Temporary Door Locking): The Fire Marshal advised this legislation recently passed and allows certain temporary door locking devices in schools. This legislation became effective on June 1, 2020. The temporary door locking devices must be inspected by the BFS and the Bureau of Construction Codes.

c. House Bill 4792 (Fueling): The Fire Marshal shared that this bill regarding unattended fueling has passed the House and will be reviewed by the Senate.

d. Fire Fatalities: The Fire Marshal reported that there was a total of 17 fire fatalities in April 2020 and five fire fatalities in May 2020. The Fire Marshal and MI Prevention feel that there were several contributing factors in these incidents. MI Prevention data also revealed that multiple fatalities involved a disabled person. The Fire Marshal feels that more should be done to address the fire problem in Michigan and

is hopeful that MI Prevention can expand their efforts using funding provided by the State of Michigan, Department of Licensing and Regulatory Affairs. This fall, the BFS also expects to hear if it will be awarded grant funding from FEMA for a fire prevention grant.

- e. **Expiring Terms:** Fire Marshal Sehlmeier shared that the following board members' terms will expire on July 15, 2020 and that this may be their last meeting: Board Member Julie Bulson, Board Member Ron Sabin, Board Member Mark Jensen, Board Member Jeramie Morris, Board Member Jeff Green, and Board Member Mike Powers. He thanked them for their work and shared that he has enjoyed working with them.

VII. LEGISLATIVE UPDATE:

- a. **Public Act 45 of 2020 (Temporary Door Locking):** Covered during the State Fire Marshal's report.
- b. **House Bill 4792 (Fueling):** Covered during the State Fire Marshal's report.

VIII. UNFINISHED BUSINESS:

None.

IX. NEW BUSINESS:

- a. **Update on Bureau of Fire Services' move:** Covered during the State Fire Marshal's report.
- b. **Decision on Postsecondary Appeals:** The entire board discussed the postsecondary appeals and roll call votes were taken.
 - i. **Concordia University:** Chairman Herbart called the first appeal, 2020-01, to order at 2:51 p.m. The board was asked to either affirm the violation and/or fine issued by the Bureau of Fire Services for violations of the Fire Prevention Code, PA 207, Section 29.19 for conducting drills, conducting training, or submitting required reports or overrule the bureau's decision and rule in favor of the appellant.

Board Member Bulson – Affirm
Board Member Densmore – Affirm
Board Member Green – Absent
Board Member Haley – Absent
Chairman Herbart – Affirm
Board Member Jensen – Overrule
Board Member Kerr – Absent
Board Member Korte – Affirm
Board Member Letts – Absent
Board Member Marceau – Affirm
Board Member Morris – Affirm
Board Member Phelan – Overrule
Board Member Powers – Absent
Board Member Rogers – Overrule
Board Member Sabin – Affirm

Fire Marshal Sehlmeier - Abstain
Board Member Williams – Overrule

Total Votes: Affirm 7, Overrule 4, Abstain 1, Absent 5. The board ruled to affirm the bureau's decision. The appeal adjourned at 2:54 p.m.

- ii. Eastern Michigan University:** Chairman Herbart called the second appeal, 2020-02, to order at 3:00 p.m. The board was asked to either affirm the violation and/or fine issued by the Bureau of Fire Services for violations of the Fire Prevention Code, PA 207, Section 29.19 for conducting drills, conducting training, or submitting required reports or overrule the bureau's decision and rule in favor of the appellant.

Board Member Bulson – Overrule
Board Member Densmore – Affirm
Board Member Green – Absent
Board Member Haley – Absent
Chairman Herbart – Overrule
Board Member Jensen – Overrule
Board Member Kerr – Absent
Board Member Korte – Affirm
Board Member Letts - Absent
Board Member Marceau – Overrule
Board Member Morris – Overrule
Board Member Phelan – Overrule
Board Member Powers – Absent
Board Member Rogers – Overrule
Board Member Sabin – Overrule
Fire Marshal Sehlmeier - Abstain
Board Member Williams – Overrule

Total Votes: Affirm 2, Overrule 9, Abstain 1, Absent 5. The board ruled to overrule the bureau's decision. The appeal adjourned at 3:02 p.m.

- iii. Macomb Community College:** Chairman Herbart called the third appeal, 2020-03, to order at 3:06 p.m. The board was asked to either affirm the violation and/or fine issued by the Bureau of Fire Services for violations of the Fire Prevention Code, PA 207, Section 29.19 for conducting drills, conducting training, or submitting required reports or overrule the bureau's decision and rule in favor of the appellant.

Board Member Bulson – Affirm
Board Member Densmore – Affirm
Board Member Green – Absent
Board Member Haley – Absent
Chairman Herbart – Affirm
Board Member Jensen – Overrule
Board Member Kerr – Absent
Board Member Korte – Overrule
Board Member Letts - Absent
Board Member Marceau – Overrule

Board Member Morris – Overrule
Board Member Phelan – Overrule
Board Member Powers – Absent
Board Member Rogers – Overrule
Board Member Sabin – Overrule
Fire Marshal Sehlmeier - Abstain
Board Member Williams – Overrule

Total Votes: Affirm 3, Overrule 8, Abstain1, Absent 5. The board ruled to overrule the bureau's decision. The appeal adjourned at 3:09 p.m.

- c. **Fireworks Appeal – Citation #19-00131 (Laudicina):** Chairman Herbart called the fireworks appeal to order at 3:24 p.m. The board was asked to either uphold or deny the matter based solely on the administrative record created by the state fire marshal's office.

Board Member Bulson – Uphold
Board Member Densmore – Uphold
Board Member Green – Absent
Board Member Haley – Absent
Chairman Herbart – Uphold
Board Member Jensen – Uphold
Board Member Kerr – Absent
Board Member Korte – Uphold
Board Member Letts - Absent
Board Member Marceau – Uphold
Board Member Morris – Uphold
Board Member Phelan – Uphold
Board Member Powers – Absent
Board Member Rogers – Uphold
Board Member Sabin – Uphold
Fire Marshal Sehlmeier - Abstain
Board Member Williams – Uphold

Total Votes: Uphold 11, Deny 0, Abstain1, Absent 5. The board ruled to uphold the bureau's decision. The appeal adjourned at 3:26 p.m.

X. STATE FIRE SAFETY BOARD COMMENT:

- Chairman Herbart thanked all board members in attendance for their review of the post-secondary appeals and all members potentially leaving for their service.
- Board Member Jensen thanked the board members and shared that he enjoyed working with everyone on the State Fire Safety Board.
- Board Member Sabin shared that he would miss seeing everyone. He added that he has served on the State Fire Safety Board under three state fire marshals and that Fire Marshal Sehlmeier has been by far the best to work with. He has been honored to serve on the board.

ADJOURNMENT AND NEXT MEETING:

20-06-03

A **MOTION** was made by **Board Member Sabin** and seconded by **Board Member Jensen** to adjourn the meeting. A roll call vote was taken:

Board Member Bulson – Support
Board Member Densmore – Support
Board Member Green – Absent
Board Member Haley – Absent
Chairman Herbart – Support
Board Member Jensen – Support
Board Member Kerr – Absent
Board Member Korte – Support
Board Member Letts - Absent
Board Member Marceau – Support
Board Member Morris – Support
Board Member Phelan – Support
Board Member Powers – Absent
Board Member Rogers – Support
Board Member Sabin – Support
Fire Marshal Sehlmeier - Support
Board Member Williams – Support

Total Votes: Support 12, Opposed 0, Abstain 0, Absent 5. **MOTION CARRIED.** The meeting adjourned at 3:33 p.m.

The next regular meeting is scheduled for 1:00 pm on September 24, 2020 at the Bureau of Fire Services located at 3101 Technology Blvd., Suite H, Lansing, MI 48910.


APPROVED:



State Fire Safety Board Chairman



Date:



Printed Name of the State Fire Safety Board Chairman